

3 FAM 1500 EQUAL EMPLOYMENT OPPORTUNITY

3 FAM 1510 EEO—GENERAL

(TL:PER-349; 12-29-1997)

3 FAM 1511 POLICY

3 FAM 1511.1 State and USIA

(TL:PER-349; 12-29-1997)

(Uniform State/USIA)

(Foreign Service and Civil Service Employees)

a. It is the policy of the Department of State and USIA to provide equal opportunity and fair and equitable treatment in employment to all persons without regard to race, color, religion, sex, national origin, age, handicap, political affiliation or marital status, or sexual orientation, and to achieve equal employment opportunity in all personnel operations through continuing affirmative action programs.

b. *In the Department of State, the EEO complaint procedure is not available to individuals who believe they have been denied equal opportunity on the basis of marital status or political affiliation. Individuals with such complaints should avail themselves of the appropriate grievance procedures, prohibited personnel practice remedies, and/or courts for relief.*

c. *In USIA the EEO complaint procedure is not available to individuals who believe they have been denied equal opportunity on the basis of marital status, political affiliation, or sexual orientation. Individuals with such complaints should avail themselves of the appropriate grievance procedures, prohibited personnel practice remedies, and/or courts for relief.*

3 FAM 1511.2 Agency for International Development

(TL:PER-349; 12-29-1997)

(USAID Only)

(Foreign Service Employees)

a. *It is the policy of the Agency for International Development to provide equal opportunity in employment for all persons; to prohibit discrimination because of race, color, religion, sex, national origin, age,*

disability, political affiliation, marital status, or sexual orientation; and to promote the full realization of a diverse workforce and equal employment opportunity through a continuing affirmative action program in the Agency.

b. For more detailed information regarding EEO for the Agency for International Development, see USAID Handbook 24, Chapter 5.

3 FAM 1512 AUTHORITY

(TL:PER-349; 12-29-1997)

(Uniform State/USAID/USIA)

(Foreign Service and Civil Service Employees)

- The Foreign Service Act of 1980 (22 U.S.C. 3901(b)(1))
- Title VII of the Civil Rights Act (Title VII) (42 U.S.C. 2000e et seq.)
- The Age Discrimination in Employment Act (ADEA) (29 U.S.C. 206(d))
- Equal Employment Opportunity Commission (EEOC) regulations contained in 29 CFR 1614 (full text is published on InfoRegs CD)
- The Equal Pay Act (29 U.S.C. 206(d))
- The Rehabilitation Act of 1973, as amended (Rehabilitation Act) (29 U.S.C. 791 et seq.)

3 FAM 1513 APPLICABILITY

3 FAM 1513.1 Foreign Service

(TL:PER-349; 12-29-1997)

(Uniform State/USIA)

(Foreign Service and Civil Service Employees)

The regulations in 3 FAM 1500 and 3 FAH-1 H-1500 *apply to all Foreign Service employees and employment applicants of the Department of State and USIA, excluding foreign nationals located outside the limits of the United States.*

3 FAM 1513.2 Civil Service

(TL:PER-349; 12-29-1997)

(State)

(Civil Service Employees)

a. 3 FAM 1500 and 3 FAH-1 H-1500 *apply to Civil Service applicants and employees of the Department of State.*

b. 3 FAM 1500 and 3 FAH-1 H-1500 *do not apply to Civil Service employees of USIA or USAID.*

3 FAM 1514 RESPONSIBILITIES

3 FAM 1514.1 In the United States

3 FAM 1514.1-1 State

(TL:PER-349; 12-29-1997)

(State Only)

(Foreign Service and Civil Service Employees)

A. Secretary of State

The Secretary of State is responsible for exercising personal leadership in establishing , maintaining, and carrying out a continuing affirmative action program designed to promote equal opportunity in every aspect of the Department's personnel policies and practices (see 29 CFR 1614.102).

B. Deputy Assistant Secretary for Equal Employment Opportunity and Civil Rights (S/EEOCR)

a. The Deputy Assistant Secretary for S/EEOCR is the principal adviser to management, including the Secretary, Deputy Secretary, and the Under Secretary for Management, on all EEO-related matters and carries out enforcement and implementation of the EEO programs. As provided in 29 CFR 1614.102(b)(3), the Deputy Assistant Secretary for S/EEOCR shall designate:

- EEO officers and such Special Emphasis Program Managers; and
- A Federal Women's Program Manager (FWPM).

b. The Deputy Assistant Secretary for S/EEOCR, or appropriate designee, shall designate Federal Women's Program coordinators (FWPCs), as necessary, to assist in the effective implementation of the Department's EEO program.

c. The Deputy Assistant Secretary for S/EEOCR, or appropriate designee, shall publicize to all employees the names and locations of such officers, managers and coordinators, as appropriate.

d. As provided in 29 CFR 1614.102(b)(5)&(6), the Deputy Assistant Secretary for S/EEOCR, or designee, shall designate Equal Employment Opportunity counselors to assist in carrying out the Equal Employment Opportunity Program, and shall publicize to all employees the names and locations of the counselors.

C. Equal Employment Opportunity Counselors

A counselor shall provide counseling to any employee or applicant who believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age, handicap *or sexual orientation* and attempt to resolve informally the matter raised by the employee or applicant before a discrimination complaint may be filed. (See 3 FAH-1 H-1510 , 3 FAM 1510 , 3 FAH-1 H-1520 and 29 CFR 1614.105.)

3 FAM 1514.1-2 USIA

(TL:PER-349; 12-29-1997)
(USIA Only)
(Foreign Service Employees)

A. Director of USIA

The Director of USIA is responsible for exercising personal leadership in establishing, maintaining, and carrying out a continuing affirmative action program designed to promote equal opportunity in every aspect of the Agency's personnel policies and practices (see 29 CFR 1614.102).

B. Director, Office of Civil Rights

The Director of USIA has designated the Director, Office of Civil Rights to implement the program established under these regulations. The Director, Office of Civil Rights (OCR) is the Director and the Associate Director for Management, on all EEO-related matters and carries enforcement and implementation of the EEO program. The Director, Office of Civil Rights reports directly to the Director of USIA.

C. Equal Employment Opportunity Officers, Federal Women's Program Managers, and Federal Women's Program Coordinators

a. The Director, *Office of Civil Rights*, in consultation and coordination with the Associate Director of Management, shall designate Equal Employment Opportunity officers, Federal Women's Program coordinators as necessary to the effective implementation of the Agency's EEO Program. The Director, *Office of Civil Rights*, or appropriate designee, shall publicize to all employees the names and locations of such officers, managers, and coordinators, as appropriate. As provided in 29 CFR 1616.102(b)(3), the Director, Office of Civil Rights shall designate:

- EEO officers and such Special Emphasis Program managers; and
- A Federal Women's Program Manager (FWPM).

b. The Director, Office of Civil Rights, or appropriate designee, shall designate Federal Women's Program coordinators (FWPCs), as necessary, to assist in the effective implementation of the Agency's EEO Program.

c. The Director, Office of Civil Rights, or appropriate designee, shall publicize to all employees the names and locations of such officers, managers, and coordinators, as appropriate.

d. As provided in 29 CFR 1614.102(b)(5) and (6), the Director, Office of Civil Rights or designee, shall designate Equal Employment Opportunity counselors to assist in carrying out the Equal Employment Opportunity Program, and shall publicize to all employees the names and locations of the counselors.

D. Equal Employment Opportunity Counselors

a. See 29 CFR 1614.102(b)(5) and (6).

b. The Director, *Office of Civil Rights*, or designee, shall recruit EEO counselors and nominate them to the Director of USIA for appointment. These counselors shall assist in carrying out the Equal Employment Opportunity Program by providing counseling to any employee or applicant who believes that he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, or handicap and shall attempt to resolve informally the matter raised by the employee or applicant before a complaint of discrimination may be filed. The Director, *Office of Civil Rights* shall publicize to all employees the names and locations of the counselors.

c. EEO counselors shall provide counseling to any employee or applicant who believes that he or she has been discriminated against because of race, color, religion, sex, national origin, age, or disability and attempt to resolve informally the matter raised by the employee or applicant before a discrimination complaint may be filed. (See 3 FAH-1 H-1510 and 29 CFR 1616.105.)

3 FAM 1514.2 At Posts Abroad

(TL:PER-349; 12-29-1997)

(Uniform State/USIA)

(Foreign Service and Civil Service Employees)

a. The chief of mission shall designate, and publicize the designation of one or more Equal Employment Opportunity counselors, and a Federal Women's Program coordinator, as necessary, depending on the size of the mission as determined by the Director of Equal Employment Opportunity (State), *and* Director, Office of Civil Rights (USIA) in consultation and coordination with the Deputy Assistant Secretary for S/EEOCR (State), and the *Director, USIA*.

b. The responsibilities of these Equal Employment Opportunity counselors and Federal Women's Program coordinators shall be determined and specified by the *Deputy Assistant Secretary for S/EEOCR (State) and the Director, Office of Civil Rights (USIA)* and, with respect to

Equal Employment Opportunity counselors, shall include responsibilities for receiving and attempting to resolve, on an informal basis, any matter of alleged discrimination.

3 FAM 1515 PROCEDURES AND GUIDELINES

(TL:PER-349; 12-29-1997)

(State Only)

(Foreign Service and Civil Service Employees)

a. Procedures on the filing and processing of complaints under the regulations in this chapter (other than for complaints related to sexual orientation) are published in 3 FAH-1 H-1510 .

b. Procedures on the filing and processing of complaints alleging sexual orientation discrimination are published in 3 FAH-1 H-1520 .

3 FAM 1516 THROUGH 1519 UNASSIGNED